

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48420 of 2014

Arising out of PS.Case No. -320 Year- 2013 Thana -JOKIHAT District- ARRARIA

Manik Chandra Yadav, S/o Late Mahabir Yadav, resident of Village Thubhree, P.S. Jokihat, District Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.50675 of 2014

Arising out of PS.Case No. -320 Year- 2013 Thana -JOKIHAT District- ARRARIA

Mahmood Alam, son of Late Faiz Bux, resident of village- Laliya, Police Station- Jokihat, District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.48420 of 2014)

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Ram Chandra Singh (App)

(In Cr.Misc. No.50675 of 2014)

For the Petitioner : Mr. Md. Naushad Uzzoha, Advocate.

For the Opposite Party : Mr. H.A. Khan (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-05-2015 Both the bail applications arise out of the same Jokihat P.S. Case No. 320 of 2013. Hence, a common order is being passed.

The petitioners are apprehending their arrest in connection with Jokihat P.S. Case No. 320 of 2013 for the

offences instituted under Sections 341, 323, 420, 406, 467, 468, 471, 120(B) and 504 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that the father of the informant had taken L.I.C. policy from G.T.F.S. Company in the name of the mother of the informant in which the petitioner Mahmood Alam and the co-accused Manoj Kumar Yadav were agents. The mother of the informant died during the life time of his father. In the said L.I.C. Policy, the father of the informant was a nominee. The co-accused Manoj Kumar Yadav and the petitioner Mahmood Alam took several papers and thumb impression of the father of the informant for claim of the amount under the policy, but the father of the informant also died during the process of the same. Thereafter, the petitioner Mahmood Alam and the co-accused Manoj Kumar Yadav got some papers and also obtained the thumb impressions of the informant and his sisters for the purpose of claim of the amount under the said insurance policy. The informant has further alleged that on 28.10.13 the concerned Postman gave a registered letter in which there was a cheque regarding claim in the name of the father of the informant. The cheque was taken by Mahmood Alam. Thereafter, the informant on 06.11.2013 came to know that a saving account



No.32871234768 was opened by the petitioner Mani Chandra Yadav for withdrawal of the money under the said cheque No.- 745277 H.D.F.C. Mumbai of Rs. One lak 53 thousand and 9 hundred. It is also alleged that the said account was opened in the name of the father of the informant who had already died and the photo was of the petitioner Israil who happens to be uncle of the informant. The informant gave information to the concerned Branch of S.B.I. and the insurance company. The allegation is that the accused persons under a conspiracy tried to grab the money of the informant.

It has been submitted on behalf of the petitioners that the petitioners are only agents of the bank and LIC respectively. It has further been submitted that the petitioners were trying to open bank account with fake document in the name of the father of the informant but they could not succeed in the said and no fake withdrawal was made by them. It has further submitted that none of the petitioners have any criminal antecedents. Further it has been submitted that similarly situated co-accused Md. Israil @ Israil has already been granted anticipatory bail by this Court vide Cr. Misc. NO. 529 of 2015.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the fact that no fake withdrawal has taken place, let the above named, petitioners, be released on bail in the event of their arrest or surrender before the learned court below within a period of eight weeks from today in connection with Jokihat P.S. Case No. 320 of 2013 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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